

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Taylor v. Warden, et al.

No. 2:25-cv-0398 TLN AC P · No. No. 2:25-cv-0398 TLN AC P · Decided May 28, 2025

OPINION

(HC) Taylor v. Warden

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 WAYNE TAYLOR, III, No. 2:25-cv-0398 TLN AC P

12 Petitioner, 13 v. ORDER 14 WARDEN, et al., 15 Respondents. 16 17 Petitioner has filed a
motion for emergency injunctive relief and a motion for appointment 18 of counsel. ECF No. 19.
As regards emergency injunctive relief, petitioner seeks a court order 19 requiring (1) the
Secretary of the California Department of Corrections and Rehabilitation 20 (“CDCR”) to locate
and deliver all of petitioner’s legal property to petitioner; (2) the warden of 21 the California
Health Care Facility (“CHCF”) to immediately replace his defective state-issued 22 tablet so that
he can access law library resources on the tablet, just like other inmates; and (3) the 23 federal
receiver of the California Correctional Health Care Services (“CCHCS”) to issue 24 petitioner a
proper model wheelchair so that petitioner can physically access the law library. Id. 25 at 2. With
respect to his motion for appointment of counsel, petitioner seeks appointment based 26 on the
issues he has described with accessing his legal property and law library resources, and due 27 to
his medical incapacity. Id. at 5. 28 There currently exists no absolute right to appointment of
counsel in habeas proceedings. 1 | See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996).
However, 18 U.S.C. § 3006A 2 || authorizes the appointment of counsel at any stage of the case “if
the interests of justice so 3 || require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the
present case, the court does not 4 | find that the interests of justice would be served by
appointment of counsel at this time and will 5 || therefore deny such request. 6 The court construes
petitioner’s motion for emergency injunctive relief as a request for 7 || access to his legal property
and CHCF’s law library resources, and a motion for an extension of 8 | time to file an opposition
to respondent’s motion to dismiss. The court will grant the motion for 9 || extension of time.
Petitioner will have until August 1, 2025, to file a response to respondent’s 10 || motion to dismiss.
The court will also require respondent’s counsel to respond to petitioner’s 11 || allegations that his
legal property from before his transfer on March 27, 2025, is being withheld; 12 | his state-issued

tablet is not working and preventing him from accessing law library resources; 13 || and he is being denied physical access to the law library. 14 Accordingly, IT IS HEREBY ORDERED that: 15 1. Petitioner's motion for appointment of counsel (ECF No. 19) is DENIED. 16 2. Petitioner's motion for emergency injunctive relief (ECF No. 19) is construed as a 17 || request for access to his legal property and CHCF's law library resources and a motion for an 18 || extension of time to file an opposition to respondent's motion to dismiss. 19 3. The motion for an extension of time (ECF No. 19) is granted. Petitioner has until 20 | August 1, 2025, to file a response to respondent's motion to dismiss. 21 4. Within fourteen days from the date of this order, respondents' counsel will be required 22 || to respond to petitioner's allegations that his legal property from before his transfer on March 27, 23 || 2025, is being withheld; his state-issued tablet is not working and preventing him from accessing 24 || law library resources; and he is being denied physical access to the law library. 25 || DATED: May 27, 2025 ~ 26 Hhthter— Chane

ALLISON CLAIRE

27 UNITED STATES MAGISTRATE JUDGE

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